

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
BALTIMORE DIVISION

Donald P. Cruikshank

104 Wyndcrest Ave.  
Catonsville, MD, 21228

Plaintiffs,

v.

Boutique Air, Inc.

Serve on:

The Corporation Trust Inc.,  
2405 York Rd.  
Suite 201  
Lutherville Timonium, MD 21093

Defendant.

Case No.:

JURY TRIAL REQUESTED

**COMPLAINT**

COMES NOW, the Plaintiff, Donald Cruikshank, by and through counsel, and for his  
Complaint herein, states as follows:

**JURISDICTIONAL ALLEGATIONS**

1. Plaintiff Donald Cruikshank is a citizen of the State of Maryland.
2. Boutique Air, Inc., (“Boutique Air”), is a corporation organized under the laws of the State of California with its principal place of business in the State of California.
3. Plaintiff brings his complaint under the federal diversity jurisdiction, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

**COMMON ALLEGATIONS OF FACT**

4. Boutique Air regularly operates flights into and out of Baltimore/Washington International Airport (BWI) in Baltimore, Maryland, and avails itself of the privileges and benefits of conducting business in the State of Maryland.
5. On September 15, 2021, Plaintiff Donald Cruikshank, was a fare-paying passenger on board Boutique Air Flight Number 853, departing from MSS Airport in the City of Massena, County of St. Lawrence and State of New York with its intended destination of BWI Airport in Baltimore, Maryland.
6. The flight crew of Flight 853 failed to monitor the surroundings or warn passengers of oncoming turbulence and flew the aircraft into a storm. While Flight 853 flew through this storm, lightning struck a wing resulting in the Plaintiff being lifted from his seat and hitting his head on the ceiling of the aircraft. The Plaintiff felt a crunch in his neck and felt numbness.
7. As a direct and proximate result of the foregoing, Plaintiff Cruikshank has suffered pain, discomfort and restriction of his daily and recreational activities, and has received medical treatment including surgery, which has resulted in increased health and medical costs.

**COUNT 1**  
**NEGLIGENCE**

8. Plaintiff reavers and incorporates by reference the previous paragraphs of this Complaint as if fully re-written here.
9. At all times relevant, Boutique Air, as a common carrier, had an obligation to exercise the highest degree of care for its passengers' safety, including the safety of passenger, Donald Cruikshank, Plaintiff herein.

10. Boutique Air negligently failed to comply with this requirement by failing to operate Flight 853 in a safe and responsible manner, failing to train its flight crew in the safe and nonhazardous operation of its aircraft, and in other ways which will be determined through discovery.
11. As a direct and proximate result of the negligence of Boutique Air and the flight crew of 853, operating within the course and scope of its employment, Plaintiff Cruikshank was injured, suffered pain, lack of mobility, tremendous restrictions in his activities and enjoyment of life, and was forced to undergo medical treatment, including surgery, and has sustained increased expenses for medical treatment, as well as emotional distress caused by the forced curtailment of his activities.
12. Plaintiff Cruikshank continues to suffer from his physical injuries and the anguish associated with those injuries, including curtailment of his activities and loss of enjoyment of life, as a direct and proximate result of Boutique Air's negligent conduct.

WHEREFORE, Plaintiff Donald Cruikshank, demands judgment against Defendant, Boutique Air, for compensatory damages in excess of \$75,000.00, costs, and interests as allowed by law and for such other relief as the Court deems just, and demands a trial by jury on all issues so triable as a matter of right.

Respectfully submitted this day the 30<sup>th</sup> of September, 2022.

/s/ Douglas P. Desjardins

Douglas P. Desjardins

Bar number 13625

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